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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/661,270	09/12/2003	William Kress Bodin	AUS919980194US2	7767

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EXAMINER

NGUYEN, VAN H

ART UNIT PAPER NUMBER

2194

DATE MAILED: 05/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/661,270

Applicant(s)

BODIN ET AL.

Examiner

VAN H. NGUYEN

Art Unit

2194

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on <sup>12</sup>~~14~~ September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 22-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 22-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 09/12/03.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. This Office Action is in response to the Preliminary Amendment filed on September 12, 2003. Claims 22-26 are presented for examination.

### ***Oath/Declaration***

2. The Office acknowledges receipt of a properly signed Oath/Declaration filed September 12, 2003.

### ***Information Disclosure Statement***

3. The Applicants' Information Disclosure Statements, filed September 12, 2003, has been received, entered into the record, and considered. See attached form PTO 1449.

### ***Specification***

4. Examiner requests that Applicant review the application carefully for informalities including typographical errors.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(b) This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 22-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Bolin** (US 5,394,519) in view of **Putnam et al.** (US 5,175,855). The references were provided by Applicant in the IDS filed September 12, 2003.

**As to claim 22:**

Bodin teaches a device driver, in a computer readable medium, suitable for communication with a plurality of different devices, wherein the plurality of different devices conform to a standard (*e.g., a plurality of OS drivers ...controlling access to various devices*) [see the discussion beginning at col.3, line 31] the device driver comprising:

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- interrogation means using commands conforming to the standard and common to the plurality of devices for polling a device within the plurality of devices to obtain input/output ports used by a device in addition to the input/output ports (*e.g., a video sub-system 50 is coupled into system 10 and comprises a video graphics array 'VGA' adapter 52 plugged into connector 36, for controlling access to a VGA display 54) [see the discussion beginning at col.3, line 64];*
- trapping means for trapping input/output ports identified by the identification means and the interrogation means (*e.g., the current DAC state is ascertained and register trapping is enabled until that session 'application' becomes foreground at which time the process is essentially reversed by restoring the DAC state with the stored instance data and discontinuing trapping while the application operates in the foreground mode ) [see the discussion beginning at col.5, line 13].*

Bodin, however, is silent on “identification means for identifying all input/output ports relating to a basic device type common to the plurality of devices.”

Putnam teaches identification means for identifying all input/output ports relating to a basic device type common to the plurality of devices (*e.g., the foreground program seen at 3 initiates the communication at any desired time by issuing a read or write request to DOS routines seen at 4, identifying a "device" which it wishes to read from or write to, and further specifying the location of a*

*foreground storage area 7 that is, a main memory address within the address space used by the location of a foreground program 3 which contains 'or will contain' the data to be communicated with the background storage area 8 within the address space used by the background program 6) [see the discussion beginning at col.3, line 65].*

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine the teachings of Putnam with Bodin because it would have provided the capability constructing a variety of memory resident programs which can run in background to acquire data or perform other functions, and which can provide data and control information to, or receive data and/or control information from application programs running in foreground, and/or which can synchronize the operation of the foreground program to events known to the background program, even though those programs have no means of communicating other than via standard DOS files and devices.

**As to claim 23:**

Bodin teaches the device includes a PCI BIOS (*e.g., BIOS*) and wherein the commands conforming to the standard used in the interrogation means are PCI standard BIOS calls (*see fig. 1 and the accompanying text*).

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**As to claim 24:**

Bodin teaches the device is a video adapter (*e.g., VGA adapter*) and the basic device type is an abstract SVGA including a standard VGA (VGA) and additional non-standard VGA input/output ports used by the basic device type (*see fig. 1 and the accompanying text*).

**As to claim 25:**

Bodin teaches additional input/output ports used by the basic device type are identifiable during installation of the device by a user option (*see the discussion beginning at col.3, line 31*).

**As to claim 26:**

Bodin teaches additional input/output ports used by the basic device type are identifiable during installation by the device as removed from the basic device type and unused by the device through a user option (*see the discussion beginning at col.3, line 31*).

***Conclusion***

6. The prior art made of record, see PTO 892, and not relied upon is considered pertinent to applicant's disclosure. Applicant should review these references carefully before responding to this office action.

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### ***Contact Information***

7. Any inquiry or a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: (571) 272-2100.

Any inquiry concerning this communication or earlier communications from the Examiner should be directed to VAN H. NGUYEN whose telephone number is (571) 272-3765. The examiner can normally be reached on Monday-Thursday from 8:30AM - 6:00PM. The Examiner can also be reached on alternative Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM THOMSON can be reached at (571) 272-3718. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

**Any response to this action should be mailed to:**

Commissioner for patents  
P O Box 1450  
Alexandria, VA 22313-1450



Van H. Nguyen  
Patent Examiner  
Art Unit 2194